

First Amendment to the Report and Decision On The Application of Exeter Towers Associates For The Authorization And Approval Of A Project Under Massachusetts General Laws (Ter. ED.) Chapter 121A. As Amended, And Chapter 652 Of The Acts of 1960, To Be Undertaken And Carried Out By A Limited Partnership Formed Under M.G.L. Chapter 109, And Approval To Act As An Urban Redevelopment Corporation Under Said Chapter 121A.

On March 23, 1978, the Authority voted to adopt a Report and Decision on the Application of Exeter Towers Associates for approval of an Urban Redevelopment Project pursuant to Massachusetts General Laws (Ter. Ed.) Chapter 121A, as Amended, and Chapter 652 of the Acts of 1960. The proposal called for the construction, operation and maintenance of a nine-story building, on 17,812 square feet of vacant land, consisting of 96 housing units, 12,000 square feet of retail-commercial space and one underground level of parking. The Project Area is located at 28 Exeter Street in the Back Bay section of Boston.

On July 26, 1979, the Applicants submitted the attached amendment, to the 121A Application of Exeter Towers, for an additional zoning deviation as follows:

Section 8-7, Use Item 37

To allow the use for restaurant, cafe and as a place for the service or sale of food and drink for on premises consumption without the required conditional use permit.

The Applicants have entered into an agreement with the Harvard Book Stores, Inc. for the lease of 4,200 square feet of retail space on the first floor of the Project. The tenant proposes to use this space as a retail bookstore and cafe serving food and beverages, including alcoholic (malt and wine) beverages. In order to allow this intended use, Exhibit E of the Application entitled "Exeter Towers Associates List of Requested Deviances From the Boston Zoning Code: is hereby amended to include the additional zoning deviation, with provisos, as shown on the attached "Amendment To Application Under G.L. Chapter 121A As Amended And Chapter 652 Of The Acts of 1960" submitted by Exeter Towers Associates.

This amendment has met with the approval of the Boston Redevelopment Authority staff. For the reasons set forth in the original Application and those referred to herein, said deviations are necessary for the carrying out of the total project and are therefore granted without substantially derogating from the intent and purpose of the applicable laws, codes, ordinances, and regulations respectively. All future changes or deviations are subject to further staff review.

In the opinion of the General Counsel, this Amendment does not represent a fundamental change and does not require a public hearing.

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The Authority hereby approves the "First Amendment to the Report and Decision on the Application of Exeter Towers Associates for the Authorization and Approval of a Project under Massachusetts General Laws (Ter.ED.) Chapter 121A as Amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried Out by a Limited Partnership Formed Under M.G.L. Chapter 109, and Approval to Act as an Urban Redevelopment Corporation Under said Chapter 121A" and hereby consents to the Amendment to the Application and Report and Decision thereon as set forth herein.

AMENDMENT TO APPLICATION
UNDER G.L. CHAPTER 121A AS AMENDED
AND CHAPTER 652 OF THE ACTS OF 1960

EXETER TOWERS ASSOCIATES

This is an Amendment to the Application for a Chapter 121A determination for Exeter Towers Associates, which determination was approved on April 6, 1978.

The 121A determination approved the Applicants to operate the Project consisting of the construction of a nine-story building at 28 Exeter Street in the Back Bay section of Boston to be used for apartments, retail stores and parking garage.

Pursuant to the 121A Application, certain zoning and building code deviations were requested and granted as being reasonably necessary for the carrying out of the Project.

The Applicants have entered into a lease agreement with the Harvard Book Stores, Inc. and its corporate nominee for the lease of approximately 4,200 square feet of the retail space of the first floor of the Project which the tenant proposes to use as a retail bookstore with a cafe serving light food items and beverages, including alcoholic (malt and wine) beverages.

For the reasons as stated below, the Applicants request that the Application for Chapter 121A Determination be amended to grant permission for an additional zoning deviation as specifically set forth below, allowing the retail bookstore to operate as a cafe serving beverages.

The service of food and beverages as a part of the retail bookstore operation is required in order to allow the style and ambiance

of operation desired by the tenant: (i) to cater book signing parties by authors; (ii) to provide a quiet neighborhood gathering place of high style and atmosphere; and (iii) to justify and sustain the economic investment necessary to operate the desired retail use in the Back Bay community. Additionally, the Applicant is desirous of providing a quality type of tenant to compliment the environment of the neighborhood and the contemplated tenant mix at the Project.

The exact zoning deviation sought from the terms of the Boston Zoning Code, is as follows:

Section 8-7, Use Item 37

To allow the use for restaurant, cafe and as a place for the service or sale of food and drink for on premises consumption without the required conditional use permit.

Except as specifically stated above, the Applicant does not request any other change in the 121A Application.

The Applicant is in agreement to limit the above by the following provisos:

1. That liquor license be limited to malt and wine;
2. That service of food and beverages would be discontinued no later than 11:00 PM on weekdays and midnight on weekends;
3. That entertainment be limited to soft piped in music;
4. That there be no live entertainment, dancing or other mechanical entertainment;
5. That take-out services will be only incidental to a normal cafe or restaurant business; no primary take-out business will be conducted, as governed by Boston Zoning Code use Item 36A;
6. That deliveries take place between 9AM and 4PM only;
7. That trash be compacted on premises, stored in rodent proof containers in interior storage areas;

8. Trash to be picked up daily; and

9. That the conditions use extend to Lessee and expire upon sale, sublease or other disposition.

Respectfully submitted,

EXETER TOWERS ASSOCIATES

By: 

Wesley E. Finch
General Partner

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

July 26, 1979

Then personally appeared Wesley E. Finch and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Exeter Towers Associates, before me

Notary Public
My Commission Expires:



The
Neighborhood Association
of the Back Bay

315 Dartmouth Street
Boston, Massachusetts 02118

July 23, 1979

Mr. Frank Kramer
Harvard Book Stores, Inc.
8 Plympton Street
Cambridge, Massachusetts 02138

Re: 28 Exeter Street - Bookstore Cafe

Dear Mr. Kramer:

With reference to the application of Harvard Book Stores, Inc. seeking approval to operate a cafe style restaurant in connection with a retail book store on the first floor of Exeter Towers at 28 Exeter Street, Boston, the following constitutes the understandings reached between the Neighborhood Association of the Back Bay (the "NABB") and Harvard Book Stores, Inc., and Frank Kramer. The NABB has agreed not to oppose your applications before the Boston Redevelopment Authority, the Boston Licensing Board and any other agency having approval jurisdiction. You have agreed that your application to these agencies will be subject to the following restrictions.

1. The final layout of the restaurant, bar and book store will be substantially the same as depicted in the plans which you have shown us at our prior meetings.
2. The number of seats for cafe customers will be no more than approximately 117.
3. The book store cafe will stop serving food and beverages to customers at 11 p.m. on weekdays and 12 midnight on Fridays and Saturdays.

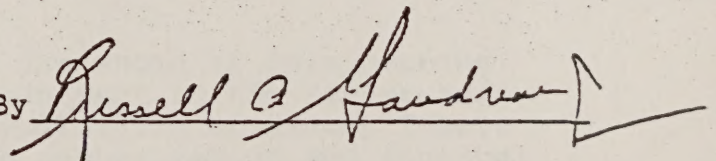
4. Up to 9 stools may be located at the bar. However, all such stools will be removed after 3 p.m. during business days, and no stand-up service will be permitted at the bar.
5. All trash will be compacterized indoors and stored indoors in rodent-proof containers.
6. Service of alcoholic beverages will be restricted to beers and wines.
7. Any use permit and license will be only for the benefit of Harvard Book Stores, Inc. or Frank Kramer or their wholly owned nominee.
8. No entertainment license will be sought.
9. Take out services will be only incidental to a normal cafe or restaurant business; no primary take out business will be conducted, as governed by Boston Zoning Code Use Item 36A.
10. Deliveries and trash pick up will take place between 9 a.m. and 4 p.m. only.

The NABB acknowledges that at some future date Mr. Kramer and Harvard Book Stores, Inc. may be required, based upon the economic viability of the business, to seek a seven day all alcoholic beverages license. If the business demonstrates a high quality type of operation as projected by Mr. Kramer and is able to properly control the service of food and beverages in order to satisfactorily co-exist in the neighborhood, NABB would be willing to reconsider its opposition to the granting of an all alcoholic beverages license to the operator at such time.

Very truly yours,

NEIGHBORHOOD ASSOCIATION OF THE
BACK BAY

By



Agreed:

Frank Kramer

cc: NABB Licensing Committee

AUGUST 2, 1979

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR 3830

SUBJECT: FIRST AMENDMENT TO REPORT AND DECISION ON THE CHAPTER
121A APPLICATION OF EXETER TOWERS ASSOCIATES

On March 23, 1978, the Authority voted to adopt a Report and Decision on the Application of Exeter Towers Associates for approval of an Urban Redevelopment Project pursuant to Massachusetts General Laws (Ter. Ed.) Chapter 121A, as amended, and Chapter 652 of the Acts of 1960. The proposal called for the construction, on 17,812 square feet of vacant land, of a nine-story building to contain ninety-six units of housing, 12,000 square feet of retail-commercial space and one underground level of parking. The project area is located at the intersection of Newbury and Exeter Streets in the Back Bay section of Boston.

On June 28, 1979, the Applicants submitted a request to amend the 121A Application and Report and Decision of Exeter Towers Associates. The Applicants have entered into an agreement with Harvard Book Stores, Inc. for the lease of approximately 4,200 square feet of retail space on the first floor of the Project. The tenant proposes to use this space as a retail bookstore combined with a cafe (seating for 117 people) serving food, as well as beer and wine. The Applicants request that an amendment be approved by the Authority granting permission for an additional zoning deviation allowing the retail bookstore to operate as a cafe.

In the opinion of the General Counsel, this does not represent a fundamental change and does not require a public hearing. It is therefore recommended that the Authority adopt the attached First Amendment to the Application and Report and Decision.

An appropriate Vote follows:

VOTED: That the document presented at this meeting entitled "First Amendment to the Report and Decision on the Application of Exeter Towers Associates for the Authorization and Approval of a Project under Massachusetts General Laws (Ter.ED.) Chapter 121A, as amended, and Chapter 652 of the Acts of 1960, to be undertaken and carried out by a Limited Partnership formed under M.G.L. Chapter 109, and Approval to Act as an Urban Redevelopment Corporation Under Said Chapter 121A" be and hereby is approved and adopted.

